

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

Second Supplemental Petition for Warrant or Summons for Person Under Supervision

Person Under Supervision: Frederick H. Banks

Case Number: 2:15CR00168-1

USM Number: 05711-068

Name of Sentencing Judicial Officer: The Honorable Mark R. Hornak
Chief United States District Judge

Date of Original Sentence: June 12, 2020

Date Sentence Vacated and Remanded: February 8, 2023

Date of Resentencing: April 25, 2023

Original Offense: Counts 2, 3, 4 and 5: Wire Fraud

Count 6: Aggravated Identity Theft

Original Sentence: 104 months imprisonment and 3 years supervised release

Amended Sentence: 104 months imprisonment and 3 years supervised release

Type of Supervision: Supervised Release

Date Supervision Commenced: April 25, 2023

Expiration Date: April 24, 2026

PETITIONING THE COURT

Other – Asking that the information in this petition be made part of the record in the pending supervised release proceedings and a hearing be scheduled.

The probation officer believes that the person under supervision has violated the following conditions of supervision:

Violation #1

Standard Condition #4: You must answer truthfully the questions asked by your probation officer.

Violation #2

Standard Condition #5: You must live at a place approved by your probation officer. If you plan to change where you live or anything about your living arrangements, such as the people you live with, you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.

Violation #3

Standard Condition #6: You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.

Violation #4

Standard Condition #13: You must follow the instructions of the probation officer related to the conditions of supervision.

Nature of Noncompliance

Mr. Banks refuses to answer any questions related to his current living arrangements. He has not been truthful related to this issue as follows:

On October 5, 2022, Mr. Banks reported that he moved into Storage Express Self Storage, located at 200 South 22nd St, Pittsburgh, PA 15203. This officer met with Mr. Banks on this same day at the storage facility. Mr. Banks opened the storage unit, and this officer observed a few items, specifically boxes and bags. There was no evidence of him living in this unit.

On February 1, 2023, this officer again inquired about living arrangements and Mr. Banks reported that he continues to reside in the storage unit and reported no other changes. On March 22, 2023, this officer met with staff at Store Express Self Storage and confirmed that they knew and were familiar with Mr. Banks. They further stated that people are not allowed to reside at this location as it is a commercial storage unit.

Mr. Banks submitted a monthly supervision report for the month of May 2023 where he reports his residence as “20 22nd St, Pgh, PA 15203”. On May 22, 2023, an Equifax Credit Check was conducted on Mr. Banks, and records reflected Mr. Banks obtained a conventional real estate mortgage through United Wholesale Mortgage on January 13, 2023. On June 16, 2023, this officer received information from law enforcement that Mr. Banks was residing at 2509 Leticue Street, Pittsburgh, PA 15203.

Mr. Banks submitted monthly supervision reports for the months of August 2023, and September 2023, reporting that he continued to live at “20 South 22nd St, Pittsburgh, Pa”, which is the commercial storage unit this officer visited in October 2022. Our office obtained a report through Accurint which reflected an address for Mr. Banks as 2509 Leticue St. in Pittsburgh, PA 15203. On September 8, 2023, the undersigned officer questioned Mr. Banks on his purchase of a property located at 2905 Leticue St, Pittsburgh, PA 15203 at which he responded he did not want to talk without an attorney present.

On October 17, 2023, the undersigned officer attempted a home inspection on the address, located at 2509 Leticue St, Pittsburgh. Mr. Banks answered the door and informed the undersigned that an attorney must be present during all contacts. When discussing the need for the home inspection, Mr. Banks stated that he had a guest and didn’t want us to come into his house and refused the home inspection at that time.

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This officer scheduled a meeting at the probation office for October 18, 2023, and he invited his attorney to attend. Mr. Banks' attorney contacted this officer to confirm this appointment.

On October 18, 2023, the undersigned officer and Supervisory U.S. Probation Officer Alexis Zellefrow met with Mr. Banks and discussed the information that was obtained related to his living arrangements. Mr. Banks was asked if he was living at 2509 Leticue Street. Mr. Banks again informed this officer that he is not allowed to talk without an attorney being present. It is noted that Mr. Banks' attorney, Rob Carey, informed this officer that prior to the meeting Mr. Banks disinvited him.

Violation #5

Standard Condition #4: You must answer truthfully the questions asked by your probation officer.

Violation #6

Standard Condition #6: You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.

Violation #7

Standard Condition #7: You must work full-time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities) you must notify the probation officer at least ten days before the change. If notifying the probation officer at least ten days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of the change or expected change.

Violation #8

Standard Condition #13: You must follow the instructions of the probation officer related to the conditions of supervision.

Nature of Noncompliance

The defendant refuses to answer any questions related to his current employment and has not been truthful related to this issue as follows:

Mr. Banks reports that he is unemployed and has been since September of 2022. He submitted monthly supervision reports for the months of May 2023, August 2023, and September 2023 where he did not provide any employment information; however, in the May 2023 monthly supervision report, Mr. Banks indicated that he had net earnings from employment of \$200. In the August and September 2023 monthly supervision reports, Mr. Banks checked the "No" box of "Did you change jobs?" under the employment section.

Information obtained through a query of the Pennsylvania Department of Labor and Industry reflected that Mr. Banks has been employed with Community Options, a home health care agency since approximately September 2022, and has reported earned wages as follows: 3rd Quarter 2022 (\$2,947.14), 4th Quarter 2022 (\$13,553.88), 1st Quarter 2023 (\$15,081.29), 2nd Quarter 2023 (\$11,666.24), and 3rd Quarter 2023 (\$10,678.00).

On September 8, 2023, the undersigned officer questioned Mr. Banks on his employment at Community Options at which time he reported he did not want to talk without an attorney.

On October 18, 2023, the undersigned officer and Supervisory U.S. Probation Officer Alexis Zellefrow met with Mr. Banks and discussed the information that was obtained related to employment. Mr. Banks was adamant that he was not working and was applying for Social Security Disability. It is noted that Mr. Banks' attorney, Rob Carey, informed this officer that prior to the meeting Mr. Banks disinvited him. Also on this date, Mr. Banks filed a Motion for Early Termination of Supervised Release and in that motion, Mr. Banks states in paragraph 1(b) "Banks works with individuals that are mentally disabled".

On October 20, 2023, the undersigned officer contacted Community Options who confirmed that Mr. Banks was a current employee at this agency and was in good standing.

U.S. Probation Officer Recommendation:

The undersigned officer recommends that Mr. Banks' supervised release be revoked. Mr. Banks continues to be evasive, omitting information in his monthly supervision reports and discussions with this officer, denying corroborated information regarding his living arrangements and employment, and manipulating his reporting requirements by invoking his right to having an attorney present during all contacts. The Standard Conditions of supervised release aid the probation office in its duties to oversee and assist persons on supervision in their reentry to the community and preventing recidivism; therefore, our office has been unable to effectively provide supervision.

The defendant pled guilty to Harassment on October 16, 2023, in the Court of Common Pleas Allegheny County and was sentenced to time served. This conduct included Mr. Banks filing frivolous claims against occupants of a residence he no longer owned. Our office is concerned about the defendant's history of fraud as well as third party risk of financial harm with his new employment working with disabled people. Our office is asking that a hearing be set as soon as possible to address the aforementioned violations.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 25, 2023

Respectfully submitted,

by _____

Brett Schlegel
U.S. Probation Officer

Approved,

by _____

Alexis Zellefrow
Supervisory U.S. Probation Officer

October 25, 2023

October 25, 2023

THE COURT ORDERS:

- No Action
- The Issuance of a Warrant
Petition to be Unsealed Upon Notice of Arrest
- No Bond is set
- Bond is set at _____
- Bond is at the discretion of the Magistrate Judge
- The Issuance of a Summons:

Appearance Date:
Appearance Time:
Courthouse:
Courtroom Number:

- Telephonic Status Conference
- Other

The Honorable Mark R. Hornak
Chief United States District Judge

Date